

Sec. 493.0251. VICTIM NOTIFICATION OF SUBSEQUENT FELONY. (a) In this section, "victim," "guardian of a victim," and "close relative of a deceased victim" have the meanings assigned by Section 508.117.

(b) If the department receives a notification under Article 2.023, Code of Criminal Procedure, regarding the indictment of a defendant described by that article, the department shall, to the extent requested under Subsection (c), make a reasonable effort to provide notice of the offense charged in the indictment to each victim, guardian of a victim, or close relative of a deceased victim of an offense described by Article 2.023(a), Code of Criminal Procedure, for which the defendant was previously imprisoned at a facility operated by or under contract with the department and subsequently released.

(c) The department shall adopt a procedure by which a victim, guardian of a victim, or close relative of a deceased victim may:

(1) request to receive notice under this section; and

(2) inform the department of the person's address for purposes of providing the notice.

(d) Except as necessary to comply with this section, the board or the department may not disclose to any person the name or address of a person entitled to notice under this section unless:

(1) the person approves the disclosure; or

(2) a court determines that there is good cause for the disclosure and orders the board or the department to disclose the information.

SECTION 3. Not later than November 1, 2017, the Texas Department of Criminal Justice shall adopt rules necessary to implement Section 493.0251, Government Code, as added by this Act.

SECTION 4. Article 2.023, Code of Criminal Procedure, as added by this Act, applies only to a criminal case in which the indictment is presented to the court on or after December 1, 2017. A criminal case in which the indictment is presented to the court before December 1, 2017, is governed by the law in effect on the date the indictment is presented, and the former law is continued in effect for that purpose.

SECTION 5. This Act takes effect September 1, 2017.

Passed by the House on April 28, 2017: Yeas 135, Nays 0, 2 present, not voting; passed by the Senate on May 24, 2017: Yeas 31, Nays 0.

Approved June 14, 2017.

Effective September 1, 2017.

**INVESTMENT OF PUBLIC FUNDS, INCLUDING CERTAIN
EXPENDITURES BY PUBLIC INSTITUTIONS OF HIGHER
EDUCATION AND UNIVERSITY SYSTEMS THAT ARE
ELIGIBLE FOR CERTAIN TAX CREDITS**

CHAPTER 773

H.B. No. 1003

AN ACT

relating to investment of public funds, including certain expenditures by public institutions of higher education and university systems that are eligible for certain tax credits.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 2256.004(a), Government Code, is amended to read as follows:

(a) This subchapter does not apply to:

- (1) a public retirement system as defined by Section 802.001;
- (2) state funds invested as authorized by Section 404.024;
- (3) an institution of higher education having total endowments of at least \$150 [~~\$95~~] million in book value on *September 1, 2017* [~~May 1, 1995~~];
- (4) funds invested by the Veterans' Land Board as authorized by Chapter 161, 162, or 164, Natural Resources Code;
- (5) registry funds deposited with the county or district clerk under Chapter 117, Local Government Code; or
- (6) a deferred compensation plan that qualifies under either Section 401(k) or 457 of the Internal Revenue Code of 1986 (26 U.S.C. Section 1 et seq.), as amended.

SECTION 2. Section 2256.009(a), Government Code, is amended to read as follows:

(a) Except as provided by Subsection (b), the following are authorized investments under this subchapter:

- (1) obligations, including letters of credit, of the United States or its agencies and instrumentalities;
- (2) direct obligations of this state or its agencies and instrumentalities;
- (3) collateralized mortgage obligations directly issued by a federal agency or instrumentality of the United States, the underlying security for which is guaranteed by an agency or instrumentality of the United States;
- (4) other obligations, the principal and interest of which are unconditionally guaranteed or insured by, or backed by the full faith and credit of, this state or the United States or their respective agencies and instrumentalities, including obligations that are fully guaranteed or insured by the Federal Deposit Insurance Corporation or by the explicit full faith and credit of the United States;
- (5) obligations of states, agencies, counties, cities, and other political subdivisions of any state rated as to investment quality by a nationally recognized investment rating firm not less than A or its equivalent; ~~and~~
- (6) bonds issued, assumed, or guaranteed by the State of Israel; *and*
- (7) *interest-bearing banking deposits that are guaranteed or insured by:*
 - (A) *the Federal Deposit Insurance Corporation or its successor; or*
 - (B) *the National Credit Union Share Insurance Fund or its successor.*

SECTION 3. Section 2256.011, Government Code, is amended by adding Subsection (e) to read as follows:

(e) *Section 1371.059(c) applies to the execution of a repurchase agreement by an investing entity.*

SECTION 4. Sections 2256.014(a) and (b), Government Code, are amended to read as follows:

(a) A no-load money market mutual fund is an authorized investment under this subchapter if the mutual fund:

- (1) is registered with and regulated by the Securities and Exchange Commission;
- (2) provides the investing entity with a prospectus and other information required by the Securities Exchange Act of 1934 (15 U.S.C. Section 78a et seq.) or the Investment Company Act of 1940 (15 U.S.C. Section 80a-1 et seq.); *and*
- (3) *complies with federal Securities and Exchange Commission Rule 2a-7 (17 C.F.R. Section 270.2a-7), promulgated under the Investment Company Act of 1940 (15 U.S.C. Section 80a-1 et seq.)* ~~[has a dollar-weighted average stated maturity of 90 days or fewer; and~~

~~[(4) includes in its investment objectives the maintenance of a stable net asset value of \$1 for each share].~~

(b) In addition to a no-load money market mutual fund permitted as an authorized investment in Subsection (a), a no-load mutual fund is an authorized investment under this subchapter if the mutual fund:

- (1) is registered with the Securities and Exchange Commission;
- (2) has an average weighted maturity of less than two years; and
- (3) either:

(A) has a duration of one year or more and is invested exclusively in obligations approved by this subchapter; or

(B) has a duration of less than one year and the investment portfolio is limited to investment grade securities, excluding asset-backed securities

~~[(4) is continuously rated as to investment quality by at least one nationally recognized investment rating firm of not less than AAA or its equivalent; and~~

~~[(5) conforms to the requirements set forth in Sections 2256.016(b) and (c) relating to the eligibility of investment pools to receive and invest funds of investing entities].~~

SECTION 5. Section 2256.015, Government Code, is amended by adding Subsection (d) to read as follows:

(d) Section 1371.059(c) applies to the execution of a guaranteed investment contract by an investing entity.

SECTION 6. Sections 2256.016(b) and (f), Government Code, are amended to read as follows:

(b) To be eligible to receive funds from and invest funds on behalf of an entity under this chapter, an investment pool must furnish to the investment officer or other authorized representative of the entity an offering circular or other similar disclosure instrument that contains, at a minimum, the following information:

- (1) the types of investments in which money is allowed to be invested;
- (2) the maximum average dollar-weighted maturity allowed, based on the stated maturity date, of the pool;
- (3) the maximum stated maturity date any investment security within the portfolio has;
- (4) the objectives of the pool;
- (5) the size of the pool;
- (6) the names of the members of the advisory board of the pool and the dates their terms expire;
- (7) the custodian bank that will safekeep the pool's assets;
- (8) whether the intent of the pool is to maintain a net asset value of one dollar and the risk of market price fluctuation;
- (9) whether the only source of payment is the assets of the pool at market value or whether there is a secondary source of payment, such as insurance or guarantees, and a description of the secondary source of payment;
- (10) the name and address of the independent auditor of the pool;
- (11) the requirements to be satisfied for an entity to deposit funds in and withdraw funds from the pool and any deadlines or other operating policies required for the entity to invest funds in and withdraw funds from the pool; ~~and~~
- (12) the performance history of the pool, including yield, average dollar-weighted maturities, and expense ratios; and
- (13) *the pool's policy regarding holding deposits in cash.*

(f) To be eligible to receive funds from and invest funds on behalf of an entity under this chapter, a public funds investment pool *that uses amortized cost or fair value accounting* ~~[created to function as a money market mutual fund]~~ must mark its portfolio to

market daily, and, to the extent reasonably possible, stabilize at a \$1.00 [~~\$1~~] net asset value, *when rounded and expressed to two decimal places*. If the ratio of the market value of the portfolio divided by the book value of the portfolio is less than 0.995 or greater than 1.005, *the governing body of the public funds investment pool shall take action as the body determines necessary to eliminate or reduce to the extent reasonably practicable any dilution or unfair result to existing participants, including a sale of portfolio holdings to attempt* [~~shall be sold as necessary~~] to maintain the ratio between 0.995 and 1.005. In addition to the requirements of its investment policy and any other forms of reporting, a public funds investment pool *that uses amortized cost* [~~created to function as a money market mutual fund~~] shall report yield to its investors in accordance with regulations of the federal Securities and Exchange Commission applicable to reporting by money market funds.

SECTION 7. Subchapter A, Chapter 2256, Government Code, is amended by adding Section 2256.0206 to read as follows:

Sec. 2256.0206. AUTHORIZED INVESTMENTS: HEDGING TRANSACTIONS.

(a) *In this section:*

(1) *"Eligible entity" means a political subdivision that has:*

(A) *a principal amount of at least \$250 million in:*

(i) *outstanding long-term indebtedness;*

(ii) *long-term indebtedness proposed to be issued; or*

(iii) *a combination of outstanding long-term indebtedness and long-term indebtedness proposed to be issued; and*

(B) *outstanding long-term indebtedness that is rated in one of the four highest rating categories for long-term debt instruments by a nationally recognized rating agency for municipal securities, without regard to the effect of any credit agreement or other form of credit enhancement entered into in connection with the obligation.*

(2) *"Eligible project" has the meaning assigned by Section 1371.001.*

(3) *"Hedging" means acting to protect against economic loss due to price fluctuation of a commodity or related investment by entering into an offsetting position or using a financial agreement or producer price agreement in a correlated security, index, or other commodity.*

(b) *This section prevails to the extent of any conflict between this section and:*

(1) *another law; or*

(2) *an eligible entity's municipal charter, if applicable.*

(c) *The governing body of an eligible entity shall establish the entity's policy regarding hedging transactions.*

(d) *An eligible entity may enter into hedging transactions, including hedging contracts, and related security, credit, and insurance agreements in connection with commodities used by an eligible entity in the entity's general operations, with the acquisition or construction of a capital project, or with an eligible project. A hedging transaction must comply with the regulations of the federal Commodity Futures Trading Commission and the federal Securities and Exchange Commission.*

(e) *An eligible entity may pledge as security for and to the payment of a hedging contract or a security, credit, or insurance agreement any general or special revenues or funds the entity is authorized by law to pledge to the payment of any other obligation.*

(f) *Section 1371.059(c) applies to the execution by an eligible entity of a hedging contract and any related security, credit, or insurance agreement.*

(g) *An eligible entity may credit any amount the entity receives under a hedging contract against expenses associated with a commodity purchase.*

(h) *An eligible entity's cost of or payment under a hedging contract or agreement may be considered:*

- (1) *an operation and maintenance expense of the eligible entity;*
- (2) *an acquisition expense of the eligible entity;*
- (3) *a project cost of an eligible project; or*
- (4) *a construction expense of the eligible entity.*

SECTION 8. (a) Section 171.901(4), Tax Code, is amended to read as follows:

(4) “Eligible costs and expenses” means qualified rehabilitation expenditures as defined by Section 47(c)(2), Internal Revenue Code, except that the depreciation and tax-exempt use provisions of that section do not apply to costs and expenses incurred by an entity exempt from the tax imposed under this chapter by Section 171.063 *or by an institution of higher education or university system as defined by Section 61.003, Education Code*, and those costs and expenses are eligible costs and expenses if the other provisions of Section 47(c)(2), Internal Revenue Code, are satisfied.

(b) Effective January 1, 2022, Section 171.901(4), Tax Code, is amended to read as follows:

(4) “Eligible costs and expenses” means qualified rehabilitation expenditures as defined by Section 47(c)(2), Internal Revenue Code, except that the depreciation and tax-exempt use provisions of that section do not apply to costs and expenses incurred by an entity exempt from the tax imposed under this chapter by Section 171.063, and those costs and expenses are eligible costs and expenses if the other provisions of Section 47(c)(2), Internal Revenue Code, are satisfied.

SECTION 9. The changes in law made by this Act apply only to authorized investments of public funds governed by Chapter 2256, Government Code, as amended by this Act, that are made on or after the effective date of this Act. An authorized investment of public funds made before the effective date of this Act is governed by the law in effect immediately before that date, and that law is continued in effect for that purpose.

SECTION 10. (a) Section 171.901(4), Tax Code, as amended by Section 8(a) of this Act, applies only to costs and expenses incurred on or after the effective date of this Act.

(b) Section 171.901(4), Tax Code, as amended by Section 8(b) of this Act, applies only to costs and expenses incurred on or after January 1, 2022.

SECTION 11. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2017.

Passed by the House on April 28, 2017: Yeas 134, Nays 0, 2 present, not voting; that the House refused to concur in Senate amendments to H.B. No. 1003 on May 25, 2017, and requested the appointment of a conference committee to consider the differences between the two houses; the House adopted the conference committee report on H.B. No. 1003 on May 28, 2017: Yeas 145, Nays 2, 2 present, not voting; passed by the Senate, with amendments, on May 22, 2017: Yeas 30, Nays 0; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; the Senate adopted the conference committee report on H.B. No. 1003 on May 28, 2017: Yeas 31, Nays 0.

Approved June 14, 2017.

Effective June 14, 2017, except Section 8(b) takes effect January 1, 2022.